

REMARKS/ARGUMENTS

In this paper, claims 1-3, 5-6, 12, and 15-16 were amended, and claims 4, 7-8, and 14 were cancelled. Claim 1 was amended to incorporate subject matter from claims 2 and 4. Claim 12 was amended to incorporate subject matter from claims 14 and 15. Claims 3, 5, 6, and 16 were amended to correct their dependency. Applicant submits no new matter has been introduced to the amended claims. Favorable reconsideration is respectfully requested for currently pending claims.

Drawings. The Office Action objected to the drawings because “the resilient slice and rubber band” features set forth in claims 7 and 8 are not shown in the drawings. Claims 7 and 8 have been deleted. The features recited in claims 7 and 8 are two examples of possible “elastic members” within the scope of the invention. Illustrating every possible elastic member that may be used in the present invention is not necessary for an understanding of the subject matter Applicant seeks to patent. Therefore, according to 37 CFR 1.81, Applicant is not required to furnish a drawing of the features recited in claims 7 and 8. Persons skilled in the art will appreciate that the pending claims embrace a variety of different elastic members and that the invention is not limited to only a tension spring recited in claim 6.

Claim Rejections – 35 USC § 112. The Office Action rejected claims 5 and 15-16 under Section 112, second paragraph. The Examiner noted an apparent inconsistency between claims 1 and 12 and claims 5 and 15. According to the Office Action, claims 1 and 12 “call for the elastic member being connected/engaged with the bar and the pressing plate; however, claims 5 and 15 call for the elastic body penetrating through the bar and the pressing plate.” The Examiner is misreading the claims. Reference is made to Fig. 4(a) and paragraph [0024]. Claim 5 recites features of the elastic **body** (not elastic **member**) that permit the elastic member to be connected with the rail structure and the pressing plate. Moreover, claim 5 does not call for the elastic body to “penetrate through the **bar**.” Claim 5 recites that the elastic body penetrates through the **trench**, which is on the lower surface of the bar (claim 4) which is part of the rail structure (claim 2). In view of the foregoing, and the amendments to claims 1 and 12 noted above, Applicant submits that claims 5 and 15 are not indefinite under Section 112, second paragraph.

Regarding claim 16, it has been amended to depend from claim 12. Support for this amendment can be found in Fig 4(a) or Fig 4(b). Therefore, Applicant submits that it is not inconsistent with claim 15.

Applicant respectfully requests withdrawal of the rejection under Section 112, second paragraph.

Claim Objections. The Office Action objected to claim 15. According to the Office Action, claim 12 appears to be intended to depend on claim 14. Claim 12 has been amended to incorporate the subject matter of claim 14. Therefore, the dependency of claim 15 is proper. Withdrawal of the claim objection is respectfully requested.

Claim Rejections – 35 USC § 102. The Office Action rejected claims 1-8, 10-16, and 18 under 35 U.S.C. § 102(b) as being anticipated by Rogers (US 3,628,412). Applicant submits that Rogers fails to disclose each and every feature set forth in the rejected claims.

Claim 1 recites “a bar having a trench on a lower surface thereof and serving as a track member,” “a pressing plate having a through hole and disposed under said rail structure,” and “an elastic member connected with and disposed between said trench of said bar and said through hole.” Referring to Figures 4(a) and 4(b), the elastic member 34 has two ends 341, 342 secured to the bar 311 (via the trench 313) and the pressing plate 33 (via the through hole 331), respectively.

The Rogers ‘412 patent, Fig. 3 and Fig. 4 discloses a monorail 26 that houses therein an elongated holding bar 28. The holding bar 28 has a chamber or the like to enclose an elastomeric member 38. The elastomeric member 38 holds the holding bar 28 raised. Roger’s holding bar 28 would appear to correspond to the claimed pressing plate. If so, then Rogers’ holding bar 28 does not contain “a through hole” as claimed. Rogers’ monorail 26 would appear to correspond to the claimed bar. If so, then Rogers’ monorail does not have a “trench on a lower surface thereof.” Moreover, because Rogers’ device lacks a trench and a through hole, Rogers’ elastomeric member 38 is not “connected with” and “disposed between” the “trench” and the “through hole” as claimed. Accordingly, the Rogers ‘412 patent fails to disclose or suggest the detailed structural features between the bar 311, the pressing plate 33, and the elastic member 34.

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Reply to Office Action of February 3, 2005

Applicant respectfully requests withdrawal of the rejection under Section 102(b) and allowance of claims 1-8, 10-16, and 18.

Claim Rejections – 35 USC § 103. The Office Action rejected claims 9 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Rogers. Claims 9 and 17 would not have been obvious from the disclosure of Rogers for the same reasons why claims 1 and 12 are not anticipated by Rogers, discussed above. The Rogers '412 patent fails to disclose or suggest each and every claim feature recited in claims 1 and 12, including the bar 311, the pressing plate 33, the elastic member 34, the compressing spring 351, and the cover 352. Applicant respectfully requests withdrawal of the rejection under section 103 and allowance of claims 9 and 17.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. R. Witt", written over a horizontal line.

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